

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CHRISTOPHER SMITH,
Plaintiff,

Case No. 1:15-cv-195
Black, J.
Litkovitz, M.J.

vs.

LEBANON CORRECTIONAL
INSTITUTION, et al.,
Defendants.

ORDER

This matter is before the Court on plaintiff's motion for a subpoena (Doc. 6), and motion to preserve evidence (Doc. 7).

Plaintiff moves the Court to subpoena certain discovery materials consisting of a copy of a DVD ROM, written inspection and administrative decisions, and medical x-rays. (Doc. 6). Under the Federal Rules of Civil Procedure, matters related to discovery should not be filed with this Court unless the discovery relates to a motion. Fed. R. Civ. P. 5(d)(1). Accordingly, plaintiff's motion for a subpoena (Doc. 6) is **DENIED**. Plaintiff is advised that all discovery requests must be served on defendants' counsel.

Plaintiff moves the Court to order that the above evidence and all other relevant video recordings and written statements of witnesses or officials be preserved pursuant to Fed. R. Crim. P. 16(a)(1)(A), (C). The Federal Rules of Criminal Procedure do not apply to this lawsuit, which is a civil action. The motion to preserve evidence (Doc. 7) is therefore **DENIED**.

IT IS SO ORDERED.

Date: 6/25/15


Karen L. Litkovitz
United States Magistrate Judge